

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, June 21, 2011, in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC, at 5:30 p.m. The following people were present:

**MEMBERS:** Chairman Bill Taylor, John Creech, Curtis Fleshman, and Gordy Patrick

**ABSENT:** Corinne Geer, Jackie Maucher, and Gordon Thayer

Others present: Planning Director Linda Staab, Planner Sandi Watkins, Secretary Jeannie Vaughan, Leigh Blackwell, Donald Bright, Jack Garvey, Chris Morgan, and Daren McMorris.

Chairman Bill Taylor called the meeting to order and delivered the invocation.

The roll was called and Corinne Geer, Jackie Maucher, and Gordon Thayer were absent. Curtis Fleshman made **MOTION**, seconded by John Creech, to excuse the called-in absences. The motion carried unanimously.

Chairman Bill Taylor led the Pledge of Allegiance.

**MINUTES: April 19, 2011:** John Creech made **MOTION**, seconded by Curtis Fleshman, to adopt the minutes and dispense with the reading. The motion carried unanimously.

#### **NEW BUSINESS:**

##### ***A. Request from Jack Garvey of Hanson Aggregates Mideast LLC, for an alternative landscaping plan for 5101 Business Drive per Section 15-1.6.6 of the Unified Development Ordinance.***

###### **Request from Jack Garvey of Hanson Aggregates Mideast for an alternative landscaping plan for 5101 Business Drive per Section 15-1.6.6 of the Unified Development Ordinance:**

Mr. Garvey has submitted an alternative landscaping plan which includes an alternative screen request for approximately twelve (12) acres of an industrially zoned lot owned by Larry Styron on the south side of Business Drive. The applicant proposes to install a sales yard for stone products, a use which is permitted in the IP (Port Industrial) district. Adjacent zoning includes IP to the north, east and west, and CH (Highway Commercial) and R15M (Single-Family Residential/Manufactured Home) across the railroad right-of-way to the south. The Planning Board may approve the alternative landscape plan upon finding that the proposal will afford a degree of enhancement, appearance, and protection of public/private investment.

Per Article 15-1.5.2 of the Unified Development Ordinance, an alternative screening may be requested when one of the following conditions exist:

- 1) **The site involves space limitations or unusually shaped parcels;**
- 2) **Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical;**
- 3) The screen is adjacent to a public alley;
- 4) **Natural vegetation or other site conditions, if undisturbed during the development process, can meet or exceed the vegetation which is required; and/or**
- 5) Safety considerations are involved.

Mr. Garvey's letter dated June 8, 2011, indicates that #s 1, 2 and 4 are applicable to this request (see attached letter).

***Alternative Screens:***

***Southern Property Line:***

**Required:**

Screen A with portion of Screen C:

5' in width

208 evergreens 6' in height spaced not more than 5' apart

13 staggered evergreens 6' in height spaced not more than 15' apart (Screen C Area)

**Proposing:**

Establish 10' screen yard utilizing existing vegetation in addition to the railroad right-of-way separation

***NC Port Lease Area:***

**Required:**

Screen A

5' in width

19 evergreens 6' in height spaced not more than 5' apart

**Proposing:**

North side of conveyor: 10' landscape strip/52 15" shrubs

South side of conveyor: 6' landscape strip /67 6' evergreens

As proposed, five protected (18"+ caliper) trees would be removed. The Unified Development Ordinance provides credit for the preservation of existing trees, and the applicant is requesting tree preservation credit as follows:

***Tree Preservation Credits:***

17 trees 6" to 11.99" caliper 102 credits

1 tree 12" to 17.99" caliper + 7 credits

Total Tree Preservation Credit: 109 credits

***Alternative Landscape Strips:***

|          | Required Landscaping Strip Width | Proposed Landscaping Strip Width | Required Trees | Required Shrubs | Proposed Shrubs |
|----------|----------------------------------|----------------------------------|----------------|-----------------|-----------------|
| North*   | 10'                              | 10'                              | 11/22          | 121             | 76*             |
| East**   | 2.5'                             | 10'                              | 5/10           | 31              | 10**            |
| West***  | 2.5'                             | 10'                              | 5/10           | 31              | 23***           |
| Driveway | 2.5'                             | 2.5'                             | 5/11           | 33              | 60              |

\* At maturity, will form a 6' wide barrier per plant. Shrubs will be installed on a 2:1 slope berm.

\*\* Combination of existing vegetation (see photo on plat Area 11) and shrubs to be planted in existing barren area to close visual gap. At maturity, will form a 6' wide barrier per plant.

\*\*\* Combination of existing vegetation (see photo Area 5) and shrubs in existing barren area. At maturity, will form a 6' wide barrier per plant.

***Interior Parking Area:***

**Required:**

4 parking spaces

1 planter

1 canopy or 2 understory trees

**Proposing:**

4 parking spaces

2 planters

Planner Sandi Watkins introduced the request.

The applicant, Jack Garvey, an Environmental Manager for Hanson Aggregates Mideast LLC, spoke in favor of the alternative landscaping plan.

John Creech commented on the proposal saying it was a comprehensive and appropriate plan for the property. All members agreed.

John Creech made **MOTION**, seconded by Gordy Patrick, to approve the alternative landscaping plan request. The motion carried unanimously.

***B. City-initiated request to amend Articles 2-2 and 11-1 of the Unified Development Ordinance to establish a definition for “Marketplace” and to add the use as a permitted use in the Downtown Business District.***

**City-Initiated Request to amend Articles 2-2 and 11-1 of the Unified Development Ordinance to establish a definition for ‘Marketplace’ and to add the use as a permitted use in the DB (Downtown Business) district:**

Staff Report June 2011:

Originally, the Saturday Market was scheduled to open at Katherine Davis Park in downtown Morehead City, with Jaycee Park being used on days when the Katherine Davis Park was unavailable. Because the underlying use of the land was a park (recreational use), no zoning changes were required.

The City leases Katherine Davis Park from the NC Railroad on a month-to-month basis. The NC Railroad is actively marketing the property and expressed concern about the establishment of a weekly event on the property. City Staff met with the Saturday Market, and after advising them of the Railroad’s position, offered the use of City Park on unbooked Saturdays. On days with conflicts, the Staff offered the use of Jaycee Park and/or the Municipal Building parking lot. The Saturday Market Board of Directors reviewed the City Park schedule and decided to look for another downtown location. The Board felt that it was important to maintain continuity of location for the overall success of the Market. The Saturday Market has found a new location on private property.

A review of the City’s Unified Development Ordinance revealed that an open-air/farmer’s market was not an allowed use in the Downtown Business (DB) district. Since the Saturday Market is no longer going to be conducting its operation in a city park, an ordinance amendment is required. The Planning Board reviewed an ordinance amendment to allow for a “marketplace” in the DB district during its April meeting. Prior to taking any action, the Planning Board requested that the Downtown Morehead City Revitalization Association (DMCRA) and the City Attorney’s office review the proposed amendment which includes a “marketplace” definition to be allowed by right in the DB district. If approved, the amendment would allow any property owner in the DB zoning district the opportunity to locate a “marketplace” on their property. The other option would be to allow “marketplace” as a special-use in the DB district. This means that a private property owner would need to get approval from the Board of Adjustment prior to locating a “marketplace” on their property.

The attorney comments have been incorporated and DMCRA comments will be submitted prior to the Planning Board meeting.

Planning Board Update (4/19/2011): Jackie Maucher requested that the ‘marketplace’ definition be revised by changing “including:...” to “limited to...” so the definition is more precise. Bill Taylor suggested that prepared foods should be included in the definition. Corinne Geer requested that the City attorney be consulted concerning the definition and that the DMCRA be contacted for comments and/or recommendations. Gordon Thayer made **MOTION**, seconded by Jackie Maucher, to table the item until such time as the suggestions/requests have been investigated. The motion carried unanimously.

Staff Report April 2011:

The following is a city-initiated amendment to include a definition for a marketplace to be allowed in the DB district. This amendment would allow an open air market on private property in the Downtown Business district.

**Add the following definition under Article 2-2 Definitions of Basic Terms:**

Marketplace - A space, either open or within a building, where a public community market provides space to vendors to display and distribute their products and services, such as homemade arts and crafts; fresh produce; meats and fish;

food and beverage distribution; entertainment; and, other similar products. This definition does not include a flea market.

**Add the following use to Article 11-1 Table of Permissible Uses (DB):**

| <i>Use/District</i> | <i>(definition)</i> | R5 | R5S | R7 | R10 | R15 | R15M | R15SM | R20 | RMF | O&P | PD | MA | CD | CM | DB | CN | CH | CS | IU | IP | FP | IC |
|---------------------|---------------------|----|-----|----|-----|-----|------|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|
| Marketplace         | Yes                 |    |     |    |     |     |      |       |     |     |     |    |    |    |    | P  |    |    |    |    |    |    |    |

Planning Director Linda Staab introduced the request. Ms. Staab indicated that the DMCRA requested that “marketplace” be a special-use, not a permitted-use, in the Downtown Business District.

All members agreed that requiring a Special-Use Permit was in the Town’s best interest.

John Creech made **MOTION**, seconded by Curtis Fleshman, to recommend approval of the requested ordinance amendment as a special-use. The motion carried unanimously.

***C. City-initiated request to amend Articles 4-29, 12-1.7, 13-2, and 24-3 of the Unified Development Ordinance to allow late submittals subject to the length of the agenda and complexity of the application and with the approval of the Land Use Administrator.***

**City-Initiated Request for Amendment to Articles 4-29, 12-1.7, 13-2 and 24-3 of the Unified Development Ordinance to allow late submittals subject to the length of the agenda and complexity of the application and with the approval of the Land Use Administrator.**

During its April 2011 meeting, the Planning Board directed Staff to draft an amendment to better accommodate potential applicants by providing Staff the flexibility to extend Planning Board submittal deadlines. As proposed, items could be added to the agenda past a deadline based upon Staff’s review of the number and type of requests scheduled for the upcoming meeting.

The following sections of the Unified Development Ordinance were found to contain application deadlines:

- Major Subdivisions
  - Sketch
  - Preliminary
  - Final
- Site Development (Master Plan) Approvals
- Multifamily Dwellings
- Ordinance Amendments

Following is the text from the specific sections under which changes are proposed:

**4-29 Procedure for Review of Major Subdivisions**

**4-29.1 Sketch plan review for major subdivisions.**

(D) The sketch plan shall be submitted at least twenty-eight (28) calendar days prior to the Planning Board meeting at which it will be reviewed. **Subject to the length of the agenda and complexity of the application, late submittals may be placed on the meeting agenda with the approval of the Land Use Administrator.** The Planning Board

shall review the sketch plan for general compliance with the requirements of this Ordinance and any other applicable regulations, and forward its comments to the Council for consideration during the Council's sketch plan review.

*4-29.2 Preliminary plat submission for major subdivisions.*

(C) Eighteen (18) copies of the preliminary plat as well as any additional copies which the Planning Director determines are needed to be sent to other agencies shall be submitted at least twenty-eight (28) calendar days prior to the Planning Board meeting at which it will be reviewed. **Subject to the length of the agenda and complexity of the application, late submittals may be placed on the meeting agenda with the approval of the Land Use Administrator.**

*4-29.3 Final plat for major subdivisions.*

(C) The subdivider shall submit the final plat, so marked, at least twenty-eight (28) days prior to the Planning Board meeting at which it will be reviewed. **Subject to the length of the agenda and complexity of the application, late submittals may be placed on the meeting agenda with the approval of the Land Use Administrator.** Further, the final plat for the subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved. One twelve-month extension may be granted by the Planning Board for good cause such as substantial progress towards improvements. Preliminary plat approval shall be null and void upon expiration of the twenty-four-month period unless an extension has been granted.

*12-1.7 Site development plan (master plan) approval.* Eighteen copies of the site development master plan shall be submitted to the planning director not less than twenty-eight (28) calendar days before the regular Planning Board meeting at which the site development plan is to be considered. **Subject to the length of the agenda and complexity of the application, late submittals may be placed on the meeting agenda with the approval of the Land Use Administrator. ...**

*13-2 Multifamily Dwelling Requirements - 13-2.1 (4<sup>th</sup> Paragraph)*

Except in the case of special-use approval, if required these eighteen (18) copies of the site plan shall be completed and submitted at least twenty-eight (28) calendar days prior to the date of the next regularly scheduled Planning Board meeting. **Subject to the length of the agenda and complexity of the application, late submittals may be placed on the meeting agenda with the approval of the Land Use Administrator. ...**

*24-3 Application Procedure*

Any application for an amendment to this Ordinance shall be filed with the administrator of this Ordinance at least twenty-eight (28) calendar days prior to the date on which it is to be introduced to the Planning Board. **Subject to the length of the agenda and complexity of the application, late submittals may be placed on the meeting agenda with the approval of the Land Use Administrator.** The administrator of this Ordinance shall be responsible for presenting the application to the Planning Board. Each application shall be signed and shall contain at least the following information: ...

Planning Director Linda Staab introduced the request.

Curtis Fleshman made **MOTION**, seconded by Gordy Patrick, to recommend approval of the requested ordinance amendment. The motion carried unanimously.

***REQUESTS/COMMENTS:***

**A.** Linda Staab commented on new traffic patterns for Cypress Bay.

**B.** HB 565, a Boundary Line Agreement between Morehead City and Beaufort, has been passed. A zoning study will be completed and shared with the Planning Board.

***ADJOURNMENT:*** There being no further requests or comments, the meeting adjourned at 6:07 p.m.

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Jeannie Vaughan, Secretary